IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.5784 OF 2004

IN

CRIMINAL APPEAL NO. 835 OF 2004

Umersab Ismail Lokhande .. Appellant

versus

The State of Maharashtra .. Respondent

...

Mr.Kuldeep S. Patil for the appellant.

Mr.D.P. Adsule, APP for the State.

CORAM : V.M. KANADE, J

DATED : 22nd December 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant.

2. This is an application for restoration of the appeal which was dismissed for default by this Court. The Apex Court in the case of Bani Singh & Ors. Vs. State of U.P. has observed that the Criminal Appeal

should not be dismissed for default but should be decided on merits. Criminal Application is allowed and Criminal Appeal is restored to file.

3. Order of bail is also restored. Place the Criminal Appeal on the final hearing board after re-opening.

4. Criminal Application is allowed in the above terms.

V.M.KANADE, J